THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.12800 of 1998

Dated: 07.03.2007

Between:

M.L.N.Raju S/o Venkatapathi Raju and others.

..... PETITIONERS

AND

State of A.P., rep., by the District Collector,
Visakhapatnam and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.12800 of 1998

ORDER:

This writ petition is filed seeking to quash the proceedings dated 29.01.1998 issued by the Mandal Revenue Officer, Visakhapatnam, second respondent herein, whereunder, the land of the petitioners in Sy.No.294/1 situated at Madhurawada Village, Visakhapatnam Rural Mandal, Visakhapatnam District, was ordered to be resumed to the Government.

It is the case of the petitioners that they purchased certain extents of land ranging from 200 to 400 square yards in Sy.No.294/1 situated at Madhurawada village, Visakhapatnam Rural Mandal, Visakhapatnam District, during the years 1994-95, for valuable consideration from one G.Hanumantha Rao. Since the date of purchase, the petitioners are in

uninterrupted and peaceful possession of the same, and they have also constructed pucca houses therein, and door numbers were also assigned to the said houses. The petitioners also obtained electricity connection to their houses from the authorities concerned. However, the second respondent sought to evict them summarily from the said land on the ground that the land was originally assigned to one K. Rudhra Prasad Reddy, and the purchase made by the petitioners shall be deemed to be null and void. In that regard, a show cause notice dated 04.04.1997 was issued to the petitioners calling upon them to explain as to why they should not be summarily evicted from the said land. Accordingly, the petitioners submitted their explanations, however, when the same were not considered, they filed W.P.No19928 of 1997 before this Court, and as per the directions in the said writ petition, the second respondent passed the impugned order dated 29.01.1998 ordering resumption of land, without considering the explanations submitted by the petitioners. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

Heard the counsel for both the parties.

While issuing rule nisi on 22.09.1998, this Court directed the respondents not to dispossess the petitioners from their respective houses pending disposal of the writ petition.

When this matter is taken up for hearing, learned counsel for the petitioners submitted that the petitioners submitted a representation dated 15.02.2007 to the Principal Secretary to Government, Revenue Department and to the Chief Commissioner of Land Administration, Hyderabad, to consider their case for regularization of their respective house sites and to issue house site pattas on payment of market value,

and the same is pending.

Having regard to the fact that the petitioners are in possession of their respective houses and their representation for regularization of their house sites is pending with the authorities, this Court is of the view that the authorities may be directed to consider the representation of the petitioners.

Accordingly, the writ petition is disposed of directing the respondents, particularly the first respondent, to consider the representation of the petitioners and pass appropriate orders before initiating further action. It is made clear that pending consideration of representation of the petitioners, they shall not be dispossessed from their respective houses. There shall be no order as to costs.

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07.03.2007

Note: Copy to Government of Andhra Pradesh.

(B/o)

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